

OPINION
57-172

April 10, 1957 (OPINION)

SCHOOL DISTRICTS

RE: Reorganization - Voting of Districts

We have received your letter dated April 8, 1957, asking for our interpretation of the above law.

House Bill 596, which amends section 15-5314 of the 1953 Supplement to the Revised Code of 1943, now provides in part, "all existing districts within the proposed new district containing one or more incorporated villages or cities regardless of number or size, shall vote as a single unit; and, all existing districts within such proposed new district regardless of number or size which do not contain one or more incorporated cities or villages shall vote as a single unit. For the purposes of this act, all districts containing incorporated cities or villages shall be considered an incorporated area, and all districts which do not contain at least one incorporated city or village shall be considered a rural area."

We take this to mean that in a case such as you mention where one or more rural areas have been previously attached to a district containing a city or village, and later this district becomes a part of a reorganization plan, the entire district must be considered an incorporated area and must vote as a single unit.

Answering your hypothetical question where a city has already taken in two rural districts, and now seeks by reorganization to reorganize with a third rural district, we believe the voters in the city area, including all of those in the two districts already attached to the city district, vote as a unit, and the voters in district three vote separately as a rural unit.

LESLIE R. BURGUM

Attorney General